

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 16, 1999  
Tuesday, 9:06 A.M.

The City Council met in regular session with Vice-Mayor Rogers in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Knight absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by David Kimble, Bahai.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of November 9, 1999, were approved 6 to 0. (Knight absent)

## AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

## NEW BUSINESS

(The following Item was taken up later in the meeting; action is shown in Agenda order.)

IRB-BOEING

### PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - THE BOEING COMPANY. (District III)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1150.

Since 1979, the City of Wichita has approved over \$3 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to Boeing Commercial Airplane Group, Wichita Division "Boeing Wichita", a division of The Boeing Company. Boeing Wichita is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$155 million. The current request for issuance is under authority of the 1996 extended Letter Intent. The 1996 extended Letter of Intent will expire on March 24, 2000. Subsequent years' requests for bond issuance by Boeing Wichita will be under authority of the November 9, 1999 Letter of Intent.

Boeing Wichita, located on both sides of Oliver Street from 31st Street South to South of 47th Street, is Kansas' largest employer, with approximately 17,000 employees and an annual payroll slightly under \$1 billion. Boeing Wichita is engaged in manufacturing support of Boeing commercial airplanes and commercial and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment, expansion of existing facilities, and construction of new facilities. Some of the planned equipment purchases include test equipment, flight support equipment, a material holding system, fusion bonding and modification support equipment. Boeing advises the new equipment will have no adverse effect on Wichita's ambient air quality.

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Acquisition of advanced technologies and the construction of new facilities is required for Boeing Wichita to compete for commercial and military production, in addition to sustaining on-going production programs. Bond proceeds will have a substantial impact in stabilizing Boeing Wichita employment, thereby helping Wichita retain critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on numerous engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock of Omaha, Nebraska will serve as bond counsel in the transaction. The Boeing Company will purchase the bonds, as a result there is no need for an underwriter. Boeing Wichita agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis using both the Wichita and Derby school districts. The resulting benefit-cost ratios are 1.22 to 1 for the City; 1.17 to 1 for the County; 1.0 to 1 for the U.S.D. 260; and 6.73 to 1 for the State.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation.

Vice-Mayor Rogers

Vice-Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$155 million be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

## ORDINANCE

An Ordinance approving and authorizing the execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said City and Bny Trust Company of Missouri; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of industrial revenue bonds Series XIII, 1999 (the Boeing Company Project) of said City in the principal amount of \$155,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Commercial, Airplane Group, Wichita Division, a division of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds, authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments; introduced and under the rules laid over.

IRB-EATON

### **PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – EATON PLACE PROJECT.** (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1151.

The City Council approved a Letter of Intent with MetroPlains Development LLC ("MetroPlains") on August 25, 1998, for the redevelopment of the Eaton block properties located on east Douglas Avenue in downtown Wichita. On November 3, 1998, the City Council approved several key developer agreements pertaining to the project, including a Development Agreement, CDBG and HOME funding agreements and a letter intent to issue industrial revenue bonds in an amount not to exceed \$15 million. On December 15, 1998, the City Council approved a 100% 10-year property tax abatement plus a five-year 100% property tax rebate under the Neighborhood Revitalization Program on the residential property financed by the IRBs, and a 15-year 100% tax rebate under the Neighborhood Revitalization Program for the commercial property. MetroPlains is now ready to proceed with the issuance of bonds.

The Eaton Place Project consists of two primary components: 1) a 115-unit apartment complex financed with tax-exempt qualified residential rental facility bonds, HOME funds, Low Income Housing Tax Credits and Historic Preservation Tax Credits; and 2) a commercial component consisting of streetfront retail shops, offices and a restaurant, financed with taxable industrial revenue bonds, CDBG funds, historic tax credits and equity. In addition, a parking structure and surface parking lot will be constructed to serve both components. To facilitate the

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distinct and separate financing structures of each component, the project site is being subdivided into two condominium units, one comprising all of the apartment complex and one for the commercial space.

The industrial revenue bonds for the Eaton Place Project are being issued in three series which together will cover all of the capital costs of the project. The Series "A" bonds will be issued in the form of tax-exempt qualified residential rental facility bonds in the amount of \$6,720,000 to permanently finance a portion of the apartment complex. The Series "B" bonds will be issued in the form of subordinate lien tax-exempt bonds to finance a portion of the equity contribution to the residential component of the project, in the amount not to exceed \$1,280,000. The Series "C" bonds will be issued in the amount not-to-exceed \$7,989,000 in the form of taxable subordinate lien bonds to provide bridge financing for portion of the residential and commercial components of the project. The major portion of the Series "C" bonds will be redeemed by the various sources of non-bond funding committed to the project, including HOME and CDBG funds, the proceeds of historic and housing tax credits and developer equity. The Series "C" bonds will be issued in installments during the project's construction period, and redeemed as costs become eligible for permanent financing from the aforementioned sources. In any event, the total principal amount of bonds issued will not exceed \$15 million.

The Series "A" tax-exempt bonds will be secured by a policy of leasehold mortgage insurance issued by the U.S. Department of Housing and Urban Development and by GNMA securities. The 40-year Series "A" bonds will be underwritten by U.S. Bancorp Piper Jaffray and re-offered to public investors. The tax-exempt Series "B" bonds will be secured by surplus operating revenues of the residential and commercial components of the project and privately placed through Piper Jaffray with an accredited investor. The Series "C" bonds also will be privately placed through Piper Jaffray with the same accredited investor.

All elements of the financial package are now ready for implementation, except for the conventional mortgage loan financing intended to provide permanent financing for commercial retail portion of the Eaton Place Project. The original lender identified for this piece has declined to make the loan. As a consequence, the City has assisted MetroPlains to find a replacement lender, the Bank of America. In order to secure the financing, the City Council has approved a Lender Support Agreement in order to provide partial cash flow support to help ensure that loan payments are made. Due to further negotiations required by the lender, the City Council is being asked to approve certain modifications to the Lender Support Agreement.

Under the revised Lender Support Agreement, the amount of the City's potential annual financial obligation is unchanged, at \$165,000. The principal change is to extend the term of the City's support to seven years, from five, following conversion of the construction loan to a term loan. Also, the provision that reduced the City's obligation based on lease-up has been replaced with a provision in which MetroPlains' substantially higher guaranty amount is drawn upon first, which allows the City's obligation to potentially be reduced over time, as the property stabilizes as a commercial project.

The total development cost is estimated to be \$15 million. The City's portion of the financing is CDBG funding of \$1,174,000 (\$424,000 grant and \$750,000 loan), HOME funding of \$1,485,000 and a general fund appropriation for building stabilization of \$150,000. The balance of project funding includes approximately \$3 million of federal tax credits and other public funds, and developer debt and equity financing of approximately \$9.2 million.

The City Council has also approved the abatement and rebate of property taxes on the real property comprising the Eaton Block. The 1997 taxes on the property were \$33,707.86. In the first year after redevelopment of the property is completed, MetroPlains estimates that property taxes would amount to \$111,025.

Wichita State University's Center for Economic Development and Business Research has performed a cost-benefit analysis on the impact of the requested tax abatement, as required by state law. The study shows a ratio of benefits to costs of 1.55 to one for the City, 1.09 to one for the County, 1.05 to one for U.S.D. 259 and 1.74 to one for the State.

Vice-Mayor Rogers

Vice-Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Cole moved that the public hearing be closed; the documents be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance, authorizing the City of Wichita, Kansas, to issue its residential rental facility revenue bonds and its subordinated residential rental facility revenue bonds for the purpose of providing funds to acquire, construct and equip a residential rental facility located in the City of Wichita, Kansas; authorizing the issuance of its taxable

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industrial revenue bonds for the purpose of providing a portion of the funds to acquire, construct and equip the residential rental facility and the funds to acquire, construct and equip an adjacent commercial facility; prescribing the form and authorizing execution of various documents relating to the issuance of and security for the bonds, the lease of the residential rental and commercial facilities, and the sale of the bonds; and prescribing the form and authorizing the execution of a declaration of condominium with respect to the real property constituting the residential rental and commercial facilities, introduced and under the rules laid over.

## Y2K PLAN UPDATE

### UPDATE OF Y2K PLAN.

Jeanne Hernandez

Internal Auditor reviewed the Item.

Wichita is ready for January 1, 2000. Readiness is a combination of the following:

- A framework for identifying risks and remediating; and
- Contingency plans to respond to unforeseen events.

City services included in the remediation effort:

- Water and sewer services
- Storm Water Utility
- Airport/facilities management
- Traffic control signalization
- Groundwater remediation/landfill
- Public safety services
- Finance/pension/payroll
- Public transportation/fleet
- Communication devices
- Permitting processes
- Municipal Court processes
- Human services
- Data Center software and hardware

Efforts since last report:

- Contingency plans developed and tested for all City departments
- Water/Sewer Utility operations completed in manual mode
- Planning with Sedgwick County and utilities on rollover activities. Command centers established.
- Community education of Y2K efforts
- Last seven percent of systems remediated.

Outreach activities:

- Y2K video, public service announcements
- Web site, press releases, media interviews
- Seminar for large industrial customers
- Water bill inserts on proper y2k preparedness
- The Wichita Eagle with Sedgwick County on preparedness
- City issues program on Channel 7 revisited
- Employee newsletter
- Speaking for numerous organizations
- Letter program to vendors
- Hosted five summits with State of Kansas. Regional education for local units of government.

Private Utilities:

- All indicate their ability to provide service is expected to be normal  
SWB, Western Resources, Kansas Gas Service, Peoples Natural Gas

The City is confident in its ability to provide the community with uninterrupted City services on January 1, 2000 and beyond. The City has made every effort to ensure that issues from the turn of the century will not impact the general public.

Vice-Mayor Rogers

Vice-Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Rogers moved that the report be received and filed. Motion carried 6 to 0. (Knight absent)

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**RR TRACK REMOVAL     REMOVAL OF RAILROAD TRACK ALONG KELLOGG, WEST OF WEST STREET.**  
(Districts IV and V)

This Item was pulled from the agenda.

**PUBLIC NUDITY ORD.     ORDINANCES PERTAINING TO PUBLIC NUDITY.**

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-1153

The City has previously patterned its ordinances controlling general public nudity upon a combination of state statutes relating to sex crimes, and locally originated controls on activities within drinking establishments. The more stringent local controls have been declared unconstitutional, and thereby unenforceable, by municipal judges. Subsequent federal appellate cases make clear that the City has the power to adopt an ordinance proscribing general public nudity, which would meet both objectives.

The public nudity ordinance contains the following sections:

The preamble section provides the public purpose, legislative findings, and intent behind the public nudity ordinance. To meet the necessary legal standards, the City Council needs to make specific findings supporting the need for the ordinance and demonstrating that the ordinance is content neutral and directed at the negative secondary effects of public nudity both outside as well as in adult businesses. There is significant and sufficient evidence on which the City Council may rely to prove the reasonableness of a public nudity ordinance like the one before the Council. Under U.S. Supreme Court decisions, the City Council may utilize studies or reports conducted by other cities and rely on them in enacting the ordinance. Summaries of studies from other communities have been relied upon to address the secondary effects and such are on file with the City Clerk.

In 1991, the Supreme Court settled the question of whether communities can ban public nude dancing in establishments not licensed to sell liquor, and without the added regulatory power of the 21st Amendment. In the case of *Barnes v. Glen Theatre, Inc.*, the Supreme Court upheld the use of Indiana's public indecency law to prohibit nudity in a public place

The proposed ordinance follows the Barnes decision by prohibiting public nudity across the board. The proposed ordinance is comprehensive in its catalogue of prohibited conduct, but includes a severability clause to protect the clearly allowable restrictions as viable, should other proposed restrictions be successfully challenged.

Permitting Public Nudity Prohibited: This provision will make the owner or operator of any property or business vicariously liable should he or she knowingly allow a person to engage in public nudity and not take action to curtail the activity on property within that person's control.

The proposed ordinance provides exceptions to the ban on public nudity: 1) First Amendment protections for non-obscene content with a socially redeeming purpose, 2) application to children below the age of criminal accountability, 3) locations where, due to publicly acceptable functional necessity, some degree of nudity, as it is defined in this proposed ordinance, is required, anticipated and accepted by society.

The public nudity ordinance negates the need for the separate sections prohibiting specific conduct within the confines of regulated businesses selling alcohol. The current prohibited conduct provision Section 4.04.080 controlling public nudity by alcoholic liquor licensees will be unnecessary and is proposed for repeal. Further, the City currently licenses erotic dance studios, which emphasize and presents live nude entertainment. Therefore, it is recommended that Chapter 3.06 of the City Code be repealed as inconsistent

The proposed ordinance will limit the issuance of licenses for certain activities and thus reduce the revenue from such licenses. The license fees from these activities are approximately \$300 annually.

Mike Watson

Police Chief said areas around these establishments have a higher crime rate than other areas. It is also believed that there is significant devaluation of properties around the establishments. There are significant problems with these businesses around town.

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Chief Watson said he agreed with the studies from other towns.

Vice-Mayor Rogers Vice-Mayor Rogers inquired whether anyone wished to be heard.

Mike Jan Mike Jan, Naturalist Society, spoke of concern that the Ordinance would interfere with the lifestyle of nudists. Mr. Jan said he would work with the City Council to ensure the ordinance would not affect family lifestyle.

Daniel Phillipi Daniel Phillipi, property owner at 219 and 222 South St. Francis, said he had upgraded the property and, if the ordinance passes, would not be able to rent the property for the purpose he intended. Mr. Phillips said it was his intent to rent one building to be used to make canvas for boats, and the other as a club.

Council Member Rogers Council Member Rogers spoke regarding the disparity between males and females. The Ordinance violates some of the basic precepts of this Country.

Gary Rebenstorf Director of Law, responding to a question, said nudity in private places would be looked into prior to second reading of the Ordinance.

Council Member Gale Council Member Gale said the Ordinance would clarify nudity and assist law enforcement.

Council Member Pisciotte Council Member Pisciotte stated that there are various styles of nudity indigenous to various cultures. This applies to the City of Wichita.

Council Member Pisciotte urged approval of first reading of the Ordinance, knowing that the ordinance may need to be reworked before second reading.

Council Member Martz Council Member Martz spoke in support of the Ordinance and said protection should be fore the most citizens.

Motion – carried Pisciotte moved that the Ordinances be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance creating Sections 5.68.230, 5.68.240, 2.58.250, 5.28.260, 5.28.270 and 5.28.280 of the Code of the City of Wichita, Kansas, pertaining to public nudity, introduced and under the rules laid over.

## ORDINANCE

An Ordinance repealing Chapter 3.06 of the Code of the City of Wichita, Kansas, pertaining to erotic dance studios, introduced and under the rules laid over.

## ORDINANCE

An Ordinance repealing Chapter 4.04.080 of the Code of the City of Wichita, Kansas, pertaining to prohibited conduct, introduced and under the rules laid over.

## ADDENDUM ITEM 5A AIRPORT ADVISORY

### ESTABLISHMENT OF WICHITA AIRPORT ADVISORY BOARD.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 99-1182.

By action of the City Council on August 17, 1999, the City Council became the governing body of the Airport Authority and the operation of the Airports was changed to become a department of the City. Under the Charter Ordinance adopted, the City Council is authorized to establish an airport advisory board. An Airport Advisory Board was created by simple Ordinance at that time with such duties as the City Council may assign from time to time.

It is proposed that the City Council establish the Wichita Airport Advisory Board which shall be charged with providing timely and expert advice to the City Council and City Manager on important matters of policy and strategic long-term development issues affecting the Mid-Continent and Jabara airports. The Board shall be

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expected to make periodic reports to the City Council and Manager on issues relating to municipally-owned and operated airport facilities, as set forth, and as requested by the City Council and/or City Manager.

It is also proposed that the City Council amend the Ordinances on the membership of the advisory boards.

Any and all costs associated with the operations of this Board will be contained in the Airport budget.

- Council Member Rogers      Council Member Rogers said there needs to be built into the process assurance of continuity. One year appointments by second term Council Members and two year appointments by first term Council Members would assure staggered board terms.
- Council Member Pisciotte      Council Member Pisciotte said there is still some dialogue on terms and numbers of appointments. Sedgwick County and REAP may each want to make appointments. A one-week deferral would allow discussions with Sedgwick County and REAP.
- Motion -- carried      Pisciotte moved that this Item be deferred one week. Motion carried 6 to 0. (Knight absent)

## CITY COUNCIL AGENDA

### **NEIGHBORHOOD PLAN CENTER CITY NEIGHBORHOOD PLAN.**

Kelly Bender      Kelly Bender, CORE Chairperson, reviewed the Item.

Agenda Report No. 99-1155.

Staff of the Metropolitan Area Planning Department has been working with Development Concepts Inc., a private consulting firm from Indianapolis, Indiana and with several neighborhood associations to develop vision and neighborhood plans in four neighborhoods of the City of Wichita. Funding for these plans was provided in 1998 by the Kansas Department of Commerce and Housing (KDCH) through four Metropolitan Community Capacity Building grants.

One of the neighborhoods selected, generally referred to as the Center City neighborhood, lies to the immediate east of the City-County government complex. The approximate boundaries are: Main Street on the west; 9th Street on the north; the railroad tracks just east of Santa Fe on the east and 2nd Street on the south. The neighborhood was selected for a number of reasons, the most notable being:

- the desire to protect the area from blight and decay through revitalization;
- the initiative of 10 area churches to participate in the rejuvenation of the area;
- the opportunity to form a partnership with Via Christi Medical Center, a major employer;
- proximity to the nearby employment centers of City Hall, the County Courthouse, USD 259 offices and Via Christi;
- the opportunity to develop new housing in the downtown area; and
- support from members of the Historic Midtown Citizens Association

The plan has been completed within the timeframe set forth by the City of Wichita and the KDCH. Following briefings held in September for City Council members and for members of the Center City Organized Revitalization Effort (C.O.R.E.), the plan is ready to be presented to the Metropolitan Area Planning Commission (MAPC) for adoption.

The C.O.R.E. group is composed of 10 downtown churches, Via Christi Medical Center, area banks and businesses, Historic Midtown Citizens Association, and city and county officials. C.O.R.E. has been instrumental in organizing a visioning and goal setting process that led to the partnership with the City to develop this plan for the redevelopment of the area. The result of this partnership is the Center City Neighborhood Plan which outlines a framework for future redevelopment of the area.

The plan calls for the designation of an area within the study boundaries for new development and other phased areas for rehabilitation and remodeling. The plan is not only about housing, but also calls for commercial services to meet the needs of the residents. As part of the implementation, many steps will follow. These include land acquisition, the preparation of specific building plans and marketing of new and remodeled housing. The Center

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City area is under consideration by KDCH for additional funding. The City submitted a \$15,000 implementation grant proposal in September. At this point, the plan needs to be adopted for three reasons:

1. To demonstrate to lenders and investors that a workable neighborhood plan has been prepared by an experienced and well-qualified consulting firm, and that the neighborhood and City Council are in support of the redevelopment goals found within,
2. To provide evidence to the State of Kansas' Department of Commerce and Housing that the plan, prepared with State assistance, has been adopted and is a guide to secure future State (and possibly federal) funding for implementation, and
3. To demonstrate to the stakeholders of the neighborhood that their comments have been recognized and included as part of the Comprehensive Plan.

This action requires no funding from the City. In the future, it is anticipated that this area will be eligible for City technical and financial assistance in accordance with the City's Neighborhood Revitalization Plan or the City's redevelopment incentives programs currently under consideration.

To become a part of the Comprehensive Plan, the Center City plan will need to be presented before the Metropolitan Area Planning Commission, which will hold a public hearing.

Motion --  
-- carried

Cole moved that the plan be received and filed and MAPC be authorized to establish a public hearing for the adoption of the plan as a part of the Wichita-Sedgwick County Comprehensive Plan. Motion carried 6 to 0. (Knight absent)

## APPOINTMENTS.

### BOARD APPOINTMENTS.

No appointments were made.

## PROCLAMATIONS

### PROCLAMATIONS.

There were no proclamations considered.

### CONSENT AGENDA

Rogers moved that the Consent Agenda, except Items 17 and 22, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Knight absent)

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 15, 1999.

Bids were opened November 12, 1999, pursuant to advertisements published on:

1999 contract maintenance pedestrian bridge replacement at 30th Street South & Glenn and Magill & Lawrence - 30th Street South & Glenn, and Magill & Lawrence. (472-83078/131734/n/a) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II and IV)

Dondlinger & Sons - \$68,340.00

1999 enhanced maintenance asphalt crack sealing (706648-I) and joint repair (polypatch) (706648-N) - at various locations. (n/a/706648-I&N/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1999. (Districts I, II, III, and V)

Ferguson Paving - \$230,486.00 (Engineer's estimate)

Main 26, War Industries Sewer - Phase One - north of 21st, west of Greenwich Road. (468-82990/624501/699001) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 9/28/1999. (District II); AND Lateral 1, Main 26, War Industries Sewer - west of



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Greenwich Road, at 29th Street North. (468-83037/624502/699002) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 9/28/1999. (District II)

Utility Contractors - \$350,657.00 (Total aggregate)

1999 enhanced maintenance increte systems spray-deck commercial overlay system at Central and the Canal, 13th and the Canal and 9th Street North and the Canal - Central, 13th, & 9th Street North & the Canal. (/706648-T/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (District I)

Dondlinger & Sons - \$44,805.00 (Engineer's estimate)

1999 KLINK (FY2000) concrete base repairs, asphalt mill & overlay of westbound lanes on Kellogg (US-54/400) from K.T.A. Overpass west of Webb Road to 127th Street East - Kellogg & Webb. (/132373/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (District II)

Cornejo & Sons Construction \$304,600.00 (Engineer's estimate)

Paving 29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road to serve Regency Park / Soccer Fields / Baseball Fields - 29th Street North, west of Greenwich. (472-83069/765588 /490699) Does not affect existing traffic. City Council approval date: 5/11/1999. (District II)

Kansas Paving Company - \$96,449.50

Paving Northeast Soccer Complex parking lot to serve Regency Park / Soccer Fields / Baseball Fields - 29th Street North, west of Greenwich. (472-83139/785000 /339131) Does not affect existing traffic. City Council approval date: 5/11/1999. (District II)

Central Paving - \$272,678.50

1999-2000 CDBG public facilities and improvements (Phase C) pedestrian bridge replacement in Planeview - east of Ross Parkway, north of Rutan. (/602302-C/800901) Does not affect existing traffic. City Council approval date: 3/16/1999. (District III)

Dondlinger & Sons - \$20,000.00 (Engineer's estimate)

Rogers moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Automobiles, Sport Utility Mini-Vans, Cargo Vans, Suburbans, and Pick-Up Trucks. (130807)

Davis-Moore Chevrolet, Inc. - \$18,499.53 (Group II/total per veh)

Rusty Eck Ford, Inc. - \$20,267.00 (Group III/total per veh)

Don Hattan Chevrolet, Inc. - \$16,737.00 (Group IV/total per veh)

\$375.00 (Group IV/total option #1 per veh)

Standard (Group IV/total option #2 per veh)

Don Hattan Chevrolet, Inc. - \$17,395.00 (Group V total per veh)

\$241.00 (Group V/total option #1 per veh)

Standard (Group V/total option #2 per veh)

\$435.00 (Group V/total option #3 per veh)

\$ 58.00 (Group V/total A option #4 per veh)

\$ 58.00 (Group V/total B option #4 per veh))

\$159.00 (Group V/total option #5 per veh)

\$280.00 (Group V/total option #6 per veh)

\$159.00 (Group V/total option #7 per veh)

Don Hattan Chevrolet, Inc. - \$17,134.00 (Group VI/total per veh)

Rusty Eck Ford, Inc. - \$19,068.00 (Group VII/total per veh)

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Don Hattan Chevrolet, Inc. - \$21,841.00 (Group VIII/total per veh)

Don Hattan Chevrolet, Inc. - \$21,315.00 (Group XI/total per veh)  
Standard (Group XI/total option #1 per veh)  
Standard (Group XI/total option #2 per veh)  
Standard (Group XI/total option #3 per veh)

Don Hattan Chevrolet, Inc. - \$17,217.00 (Group XII/total per veh)  
\$669.00 (Group XII/total option #1 per veh)  
Standard (Group XII/total option #2 per veh)  
\$137.00 (Group XII/total option #3 per veh)  
Standard (Group XII total option #4 per veh)  
Standard (Group XII/total option #5 per veh)  
\$96.00 (Group XII/total option #6 per veh)  
\$188.00 (Group XII/total option #7 per veh)  
\$2,773.00 (Group XII/total option #8 per veh)

Don Hattan Chevrolet, Inc. - \$18,656.00 (Group XIII/total per veh)  
\$669.00 (Group XIII/total option #1 per veh)  
Standard (Group XIII/total option #2 per veh)  
\$137.00 (Group XIII/total option #3 per veh)  
Standard (Group XIII/total option #4 per veh)  
Standard (Group XIII/total option #5 per veh)  
\$ 96.00 (Group XIII/total option #6 per veh)  
N/A (Group XIII/total option #7 per veh)  
\$3,177.00 (Group XIII/total option #8 per veh)

Mel Hambelton Ford, Inc. - \$28,910.00 (Group XIV Total per veh)  
Standard (Group XIV/total option #1 per veh)  
\$3,910.00 (Group XIV/total option #2 per veh)  
Standard (Group XIV/total option #3 per veh)  
\$2,980.00 (Group XIV/total option #4 per veh)  
Standard (Group XIV/total option #5 per veh)  
Standard (Group XIV/total option #6 per veh)

Don Hattan Chevrolet, Inc. - \$25,516.00 (Group XV/total per veh)

Don Hattan Chevrolet, Inc. - \$23,220.00 (Group XVI/total per veh)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Traffic Signal Equipment. (132217)

Gades Sales Co., Inc. - \$4,275.00 (Total net bid item III)

Rogers moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## LICENSES

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u>      | <u>1999</u>          | <u>(Consumption on Premises)</u>  |
|---------------------|----------------------|-----------------------------------|
| Tony Gallegos       | Sim Park Golf Course | 2020 West Murdock                 |
| <u>New Operator</u> | <u>1999</u>          | <u>(Consumption off Premises)</u> |
| Ruby Wade           | West Side Bait Shop  | 4811 West St. Louis               |

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Rogers moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Knight absent)

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## PLANS AND SPECS

### PLANS AND SPECIFICATIONS:

a. Water Line Relocations in connection with Seneca & Maple - intersection of Seneca & Maple. (448-89079/634733/544128) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (District IV)

b. Sanitary Sewer Replacement in Maple from the alley west of Dodge to the alley east of Dodge - Maple at Dodge. (468-82647/621466/533257) One lane of traffic in each direction to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (District IV)

Motion --  
-- carried

Rogers moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 3, 1999. Motion carried 6 to 0. (Knight absent)

c. Central, from I-235 to West Street - Central, west of West Street. (87N-0095-01/472-83014/448-88973/468-82911/706762/633156/620252/208230/544380/669377) Minimum of one lane of traffic in each direction at all times. City Council approval date: October 13, 1998. (Districts IV and VI)

Motion --  
-- carried

Rogers moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 17, 1999. Motion carried 6 to 0. (Knight absent)

### SUBDIVISION PLANS AND SPECIFICATIONS:

There were no subdivision plans and specifications considered.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

a. Landscaping Greenwich Road from Kellogg to Central, Phase Two - Greenwich, north of Kellogg. (472-82738/706390/405194) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 4/1/1997. (District II) - \$7,854.00

b. 1999 enhanced maintenance reconditioned roadbed and overlay of asphalt streets in newly annexed areas (792267), contract maintenance cold recycle locations (131767), and enhanced maintenance stabilization locations (706648\_s) - various locations. (/792267/131767 /706648S/621326 /435254/ /405218/533243) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II, III, V, and VI) - \$1,125,380.00

c. 1999 enhanced maintenance concrete repairs, Phase F - various locations. (/706648\_F/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1998. (Districts III and IV) - \$320,000.00

d. Water distribution system to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (448-89420/734940/470610) Does not affect existing traffic. City Council approval date: 9/14/1999. (District V) - \$46,000.00

Motion -- carried

Rogers moved that the Preliminary Estimates be approved and filed. Motion carried 6 to 0. (Knight absent)

## DEEDS/EASEMENTS

### DEEDS AND EASEMENTS:

Sanitary Sewer Easement dated October 8, 1999, from George Thomas and Jill Gould, for a tract of land located in the Shady Nook Addition - Woodland SS Reconstruction Program. (OCA 620273) No cost to City.

Motion -- carried

Rogers moved that the document be received and filed. Motion carried 6 to 0. (Knight absent)

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## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOT 19, BLOCK 2, BARTLOW SECOND ADDITION - SOUTH OF MACARTHUR, EAST OF SENECA.** (District IV)

Agenda Report No. 99-1156.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sanitary sewer service to a single-family home.

The estimated project cost is \$7,000. The funding source is special assessments.

Motion -- carried

Rogers moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

#### RESOLUTION NO. R-99-448

Resolution of findings of advisability and Resolution authorizing construction of Lateral 31, Main 2, Southwest Interceptor Sewer, (south of MacArthur, east of Seneca) 468-83042, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 1-12, BLOCK 7, JONES PARK ADDITION - NORTH OF 33RD STREET NORTH, WEST OF FAIRVIEW.** (District VI)

Agenda Report No. 99-1157.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer service to a single-family home.

The estimated project cost is \$10,000. The funding source is special assessments.

Motion -- carried

Rogers moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

#### RESOLUTION NO. R-99-449

Resolution of findings of advisability and Resolution authorizing construction of Lateral 138, Main 4, Sanitary Sewer No. 23, (north of 33<sup>rd</sup> Street North, west of Fairview), 468-83048, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE TWO UNPLATTED TRACTS LOCATED NORTH OF MAPLE, EAST OF TYLER.** (District V)

Agenda Report No. 99-1158.

The Petition has been signed by four owners, representing 100% of the improvement district.

This project will provide sanitary sewer service for two single-family homes.

Motion -- carried

Rogers moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

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## RESOLUTION NO. R-99-450

Resolution of findings of advisability and Resolution authorizing construction of Lateral 60, Main 4, Southwest Interceptor Sewer, (north of Maple, east of Tyler), 468-83043, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 3 AND 4, ROBBINS ADDITION - SOUTH OF 31ST STREET SOUTH, EAST OF BROADWAY.** (District III)

Agenda Report No. 99-1159.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer service to an industrial area.

The estimated project cost is \$8,500. The funding source is special assessments.

Motion -- carried

Rogers moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-99-451

Resolution of findings of advisability and Resolution authorizing construction of Lateral 165, Sanitary Sewer No. 22, (south of 31<sup>st</sup> Street South, east of Broadway), 468-83049, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## STREET CLOSURES

### **STREET CLOSURES/USES.**

(Item No. 17)

### **13th Street North, east of Rock Road.** (District II)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-1184.

Central Paving, Inc. has contracted to reconstruct and widen a one-half mile section of 13th Street North from Rock Road to the east. Work is expected to begin approximately November 17, 1999 with a maximum 60-day complete Closure to allow the installation of two drainage structures across 13th Street. During the remainder of the project, traffic is to be carried one-way westbound through the construction area. The project is expected to be completed by May 1, 2000.

The project specifications identified the requested complete and partial Closures during this reconstruction project. The Contractor is responsible for construction signs and barricades and notification of affected businesses and residents.

During the complete and partial Closures, 13th Street traffic will be detoured using Webb Road, Central Avenue and Rock Road.

Motion --  
-- carried

Rogers moved that the 60-day complete closure, and the subsequent partial closure be approved. Motion carried 6 to 0. (Knight absent)

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## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES FOR CENTRAL FROM TYLER TO WOODCHUCK. (District IV)

Agenda Report No. 99-1160.

The City Council approved the project on August 10, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of Central from Tyler to Woodchuck. The Staff Screening & Selection Committee selected Baughman Company, P.A. for the design on October 20, 1999.

Payment will be on a lump sum basis of \$32,700 and will be paid by General Obligation Bonds.

Motion --  
-- carried

Rogers moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES FOR HICKORY CREEK ESTATES, PHASE III - SOUTH OF 13TH, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-1161.

The City Council approved the Hickory Creek Estates plat on January 23, 1996.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Hickory Creek Estates – Phase III. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$21,400, and will be paid by special assessments.

Motion --  
-- carried

Rogers moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## DESIGN SERVICES

### SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES FOR EXPANDED NORTHEAST WICHITA WAR INDUSTRIES SEWER MAIN. (District II)

Agenda Report No. 99-1162.

On January 7, 1997, The City Council approved a project for sanitary sewer mains to serve future developments and annexed areas as well as relocations due to development. On February 3, 1998, the City Council entered into an Agreement with Mid-Kansas Engineering Consultants, Inc. for the design services to determine the appropriate pipe sizes and design sanitary sewer mains to serve the urban growth/service area which includes an area generally east of Webb Road to 127th Street East, and from north of 17th Street North to 29th Street North.

On January 26, 1999, the City Council approved Supplemental Agreement No. 1 for MKEC to redesign an existing sanitary sewer pump station at Kellogg and Greenwich from a system with an above ground pump to a submersible pump, redesign the pressure pipe lines from the pump station at Kellogg and Greenwich and a new pump station near 21st and K-96 so they are combined into one line along Kellogg, and adding ferrous chemical pumps and a mixing tank at the proposed new pump station near 21st and K-96. The fee was \$26,880.

The proposed Supplemental Agreement between the City and MKEC provides for engineering services to redesign Kellogg and Greenwich Lift Station (changes will shift the pump station site north of the original site) and extend the 12" Sewer Main along Greenwich to 29th and over to the Northeast soccer and baseball field complex. MKEC has also been asked to provide construction services for construction of the force mains and both lift stations. Supplemental Agreement No. 2 with MKEC has been prepared.

Payment to MKEC for this Supplemental Agreement will increase the total contract by \$169,255 from \$257,540 to \$426,795. The funding source is Sewer Utility.

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Motion --  
-- carried

Rogers moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## **BROADVIEW GARAGE     CONTRACT FOR CONDITION APPRAISAL OF BROADVIEW PARKING GARAGE.** (District VI)

Agenda Report No. 99-1163.

In 1996, the City of Wichita acquired the four level, 470-space parking structure commonly known as the Broadview Parking Garage. The structure is located in the 100 block of North Waco. It was built in 1988. It is constructed of precast concrete columns, beams, walls and double tee floor members with a cast-in-place concrete topping over surface. The exterior skin is precast concrete panels. The property is managed for the City under a master management agreement with the owners of the Broadview Hotel. As the garage has been operating for several years, it was decided that a review of the physical condition and delineation of specific maintenance needs would be beneficial. To this end, Walker Parking Consultants was contacted concerning the performance of a condition appraisal on the structure.

Walker has recently performed similar appraisals on the City Hall and State Office Building Garages for the City. They have presented a proposal to test various aspects of the structure, review the current maintenance procedures and make recommendations as to what needs to be done to maximize the useful life of the property.

Walker has proposed a lump sum fee of \$11,000 plus reimbursable expenses estimated at \$6,400 for a total cost of \$17,400. The funding source will be General Fund Appropriated Reserves.

Motion --  
-- carried

Rogers moved that Staff be authorized to negotiate a Contract for the condition appraisal; the real estate purchase Contracts be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## **CENTURY II     CENTURY II STAGEHOUSE ROOF.** (District I)

Agenda Report No. 99-1164.

The Century II Stage House Roof, which is at the center (peak) of the building covers approximately 12,000 square feet. This section has deteriorated to the point that it needs replacement.

This section of roof must be replaced to properly protect the building and its contents. The replacement roof will be installed using materials with an estimated lifespan of 20-years or more.

The 2000 Convention and Tourism budget has \$100,000 budgeted for this work.

Motion -- carried

Rogers moved that the project be approved. Motion carried 6 to 0. (Knight absent)

## **BUDGET     CENTURY II TELEPHONE SYSTEM – BUDGET ADJUSTMENT.** (District I)

Agenda Report No. 99-1165.

The telephone system at Century II is in need of replacement. While other City telephone systems have been upgraded over the past 2-3 years, the current system at Century II is an outdated analog system which fails to meet the service demands of Century II's rental phone customers.

Century II currently generates approximately \$20,000 annually in phone rentals. The outdated analog telephone system currently in use is incapable of providing the flexibility now being demanded by rental phone customers. If Century II cannot meet the needs of its customers, they will begin renting their phones from outside contractors. This will result in the consequent loss of significant revenue for the City over time.

Replacing the existing analog system with a state-of-the art digital system will provide Century II with a substantially greater capacity to service customers and generate revenue. In addition, digital switching will allow Century II to increase its number of in-house stations and provide better communication to its clients, tenants, and subcontractors. Digital technology will also provide the springboard necessary for future developments in Century II's communications package.

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Century II staff, in conjunction with telephone technology specialists from the Data Center, will evaluate available digital system options for compatibility with existing City systems before proceeding with vendor selection, purchase, and installation.

The one-time cost of purchasing and installing a new telephone system at Century II is estimated at approximately \$42,000. Under-expenditures in the Park and Recreation Department operating budget are available to fund the purchase and installation.

Ongoing annual maintenance costs associated with the system will be absorbed within the existing Century II budget. Annual rental revenues accruing from the new system are initially projected to remain at current levels, with growth occurring over time as customers become familiar with the new features it offers and take advantage of its flexibility to conduct more of their business.

Budget transfers in excess of \$10,000 require City Council approval.

Motion -- carried

Rogers moved that the budget be approved. Motion carried 6 to 0. (Knight absent)

(Item No. 22)

## **EXPO HALL**

### **EXPO HALL DOOR HARDWARE.** (District I)

Motion -- carried

Rogers moved that this Item be stricken from the Agenda. Motion carried 6 to 0. (Knight absent)

## **EQUIPMENT**

### **POWER SWEEPER/SCRUBBER.**

Agenda Report No. 99-1167.

Wichita Transit (WT) needs a sweeper/scrubber to clean approximately 100,000 square feet of floor and concrete driveway space at our new Transportation Operations Center (TOC). This equipment will not only reduce the time required to clean garage floors from 10-man hours to 1 hour, but also clean the floors and outside concrete areas more effectively. WT has no sweeper / scrubber since one was not necessary for our old facility on McLean Boulevard.

The General Services Administration selected Tenant to supply the sweeper / scrubber for their contract through a competitive bid process. WT is eligible to purchase a sweeper / scrubber from the GSA contract.

The scrubber / sweeper has been budgeted for the TOC facility project in 1999. The cost of the Tenant scrubber / sweeper will be \$37,901.69. Funding for this scrubber / sweeper will be provided by a federal capital assistance grant at 80% federal and 20% local match.

City of Wichita Ordinance No. 38-122 Section 2.64 (J) provides to purchase supplies, services, and equipment from contracts and agreements of other governmental entities which have been awarded, subject to public bidding and approved by the proper governmental entity.

Motion -- carried

Rogers moved that the purchase be approved. Motion carried 6 to 0. (Knight absent)

## **LANDFILL CPI**

### **CONSUMER PRICE INDEX (CPI) ADJUSTMENT FOR BROOKS LANDFILL CONTRACTOR.** (District VI)

Agenda Report No. 99-1168.

On November 19, 1996, the City Council approved the tipping fee of \$26 per ton effective January 1, 1997. The fee was projected to cover contracted Landfill operations and approved conservation programs, with any remaining balance to be transferred to the Landfill Post Closure Trust Fund to fund maintenance costs for 30 years after closure.

On April 29, 1997, City Council approved the Contract with Herzog Environmental, Inc. for Landfill operations until it closes in 2001 and for closure of the active cell. The approved Contract resulted in a reduction of the Contractor's costs from \$6.71 to \$5.75 per ton (plus annual CPI increases beginning January 1, 1999) and set



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closure costs at \$7.9 million. Projections at that time anticipated an annual CPI increase of 3% for Herzog's \$5.75 portion of the tipping fee. Following approval of the new Contract, the City Council voted to continue the tipping fee at \$26 per ton.

On November 17, 1998, the City Council approved a 1.6% (\$0.09/ton) increase, raising Herzog's portion of the tipping fee from \$5.75/ton to \$5.84/ton. That increase became effective on January 1, 1999.

The U.S. Cities Consumer Price Index shows a 2.3% increase for the past year. The Contract with Herzog requires an annual tipping fee increase (beginning January 1, 2000) consistent with the CPI. The recommended 2.3% increase would result in Herzog's portion of the tipping fee to increase from \$5.84 to \$5.97 per ton.

Maintaining the \$26 per ton tipping fee until closure in October, 2001, is anticipated to provide adequate revenue for current operations (including CPI increases), closure activities, and post-closure maintenance and monitoring for 30 years after Brooks ceases to operate.

The increase in the Contractor's portion of the tipping fee is required under the terms of the Contract.

Motion --  
-- carried

Rogers moved that the present tipping fee of \$26.00 per ton be retained and the 2.3% (\$0.13 per ton) increase in the contractor's portion of the tipping fee be approved. Motion carried 6 to 0. (Knight absent)

## PROPERTY ACQ.

### PROPERTY ACQUISITION - 500 BLOCK OF EAST DOUGLAS.

Agenda Report No. 99-1169.

The owner of three parking lots located in the block bounded by Douglas, Emporia, 1st Street and St. Francis has offered to sell the lots to the City. All three lots are paved and striped. The lots are located at the southeast corner of 1st Street and Emporia with 26 spaces, mid-block on the east side of Emporia with approximately 80 spaces and mid-block on the west side of St. Francis with approximately 40 spaces.

The lots have been appraised at \$15.00 per square foot and the owner has agreed to sell the lots for that amount. The City currently operates a 26-space parking lot at the northeast corner of Douglas and Emporia, immediately south of the 80-space lot, which is leased for monthly parking. If acquired, these lots will also be leased on a monthly and/or daily basis of public parking.

A budget of \$585,000 is requested. This includes \$580,000 for the acquisition and \$5,000 for title insurance and other closing costs.

Motion --  
-- carried

Rogers moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion 6 to 0. (Knight absent)

## HOUSING AUTHORITY WICHITA HOUSING AUTHORITY - SECTION 8 BUDGET CHANGES.

Agenda Report No. 99-1170.

In October 1998, President Clinton signed into law the Quality Housing and Work Responsibility Act of 1998. This act included a provision for the Housing and Urban Development Department (HUD) to gradually convert Section 8 Housing Certificates to Section 8 Housing Vouchers.

There are several technical differences between certificates and vouchers; however, the overall result of the conversion is that the total assistance to the tenant will be diminished in the conversion while the flexibility of the vouchers will allow greater housing choice to their holders. HUD has approved the following changes to the 2000 Certificate (Section 8 Existing) and Voucher (Section 8 Voucher) budgets for housing assistance payments to accommodate the conversion that will occur this year.

The Section 8 Voucher Budget previously approved at \$3,624,891 will be increased to \$5,990,255, a net increase of \$2,365,364. The Section 8 Existing (Certificate) Budget will decrease from \$3,188,926 to \$1,051,901, a net decrease of \$2,137,025. The combined total of Housing Assistance paid to landlords on behalf of WHA tenant will not change.

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The changes to the budgets will only impact housing assistance payments, and the remainder of the WHA budget previously approved by the City Council will remain in effect. There is no impact on the City's non-federal budget.

This conversion is required by the Quality Housing and Work Responsibility Act of 1998, and the changes outlined above have been calculated and approved by HUD. Council approval is required for all grant budget changes of \$10,000 or more.

Motion – carried

Rogers moved that the budget be approved. Motion carried 6 to 0. (Knight absent)

## **BUDGET ADJ.**

### **TRAFFIC MAINTENANCE BUDGET ADJUSTMENTS.**

Agenda Report No. 99-1171.

The Traffic Maintenance Commodities Budget currently has a budget deficit of approximately \$63,000. Several circumstances have led to this shortage in the commodities account.

The most important of these circumstances is annexation expenses. Approximately \$52,000 was spent in the newly annexed areas of the City. This includes upgrading the signals at the intersections of Harry and Greenwich, 21st and Ridge, 21st and K-96, and 21st and Greenwich (\$26,000) to bring them up to City standards. It also included materials needed for signs, striping, etc., in all annexed areas (\$26,000).

In addition, materials have been purchased to bring our traffic signals into Y2K compliance. This upgrade was required to insure that the City's traffic signals will not fail as we enter the new millennium. Approximately \$17,000 has been spent to make these upgrades to the 380+ signals throughout the City of Wichita.

Prom modules and modems (\$16,800) have also been purchased to enable use of the new TransLink signal software. This software is essential to provide a communication link with the City's traffic signal system and to afford troubleshooting capabilities from a central location.

\$85,800 in extraordinary expenses (as described above) has been expended in 1999. As a result, the commodities portion of the 1999 Traffic Maintenance account is over budget by approximately \$63,000. A transfer is needed to balance the account and provide \$22,000 for necessary operating expenses through the end of the year. It is requested that the City Council approve the transfer of \$85,000 from the Street Maintenance commodities account to the Traffic Maintenance commodities account.

Projected under-expenditures in Street Maintenance are available to address the Traffic Maintenance shortfall. These funds are available as a result of Street Maintenance crews being diverted from routine maintenance activities for five weeks to clean up debris after the May 3rd tornado.

Motion – carried

Rogers moved that the budget be approved. Motion carried 6 to 0. (Knight absent)

## **BUDGET ADJ.**

### **HYDRAULIC EXCAVATOR. BUDGET ADJUSTMENTS.**

Agenda Report No. 99-1172.

A program option for \$150,000 was submitted and approved during the 1999 budget process for the purchase of a new gradall (hydraulic excavator) for the Maintenance Division. The budget request was based on a quote taken by Staff. However, the bid assumed that a trade-in would be available, and since this is not a replacement item there is no trade-in. The actual cost for the gradall is \$209,350.

The gradall is needed to improve efficiency of maintenance operations. Currently, the City has two gradalls. Maintenance crews work out of three locations. The two gradalls are shared by these locations, creating delays due to time lost in transporting equipment. The additional gradall will be placed at the third location, alleviating this problem. In addition to ditching, gradalls are used for removing concrete and asphalt during pavement and shoulder repair projects. Their versatility makes them an essential tool for all types of street maintenance work.

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The additional \$59,350 needed for the purchase of the gradall is available from under expenditures in the Street Maintenance Commodities Budget. The under-expenditures are the result of crews being diverted from routine maintenance activities for five weeks to clean up debris following the May 3rd tornado.

Motion -- carried

Rogers moved that the budget be approved. Motion carried.

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 99-1173.

On November 1, 1999 the Board of Code Standards (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

| <u>Property Address</u> | <u>Council District</u> |
|-------------------------|-------------------------|
|-------------------------|-------------------------|

|                     |     |
|---------------------|-----|
| 3345 East Roseberry | III |
| 3341 East Munger    | III |

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --  
-- carried

Rogers moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on January 11, 2000, at 11:00 a.m. be approved. Motion carried 6 to 0. (Knight absent)

#### RESOLUTION NO. R-99-446

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 27, Block J, in Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 east of the 6<sup>th</sup> principal Meridian, Sedgwick County, Kansas known as 3345 East Roseberry, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

#### RESOLUTION NO. R-99-447

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 37, Block I, in Planeview Subdivision No. 1, Sedgwick County, Kansas known as 3341 East Munger, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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## ORDINANCES

### SECOND READING ORDINANCES: (First November 9, 1999)

- a. Electrical Code - Title 19.

#### ORDINANCE NO. 44-425

An Ordinance repealing Section 19.08.130 of the Code of the City of Wichita, Kansas; amending Section 19.12.010 of the Code of the City of Wichita, Kansas and repealing the original thereof; and creating Section 19.12.040; all pertaining to the Electrical Code of the City of Wichita, Kansas, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- b. Year 2000 Arterial Design Program.

#### ORDINANCE NO. 44-426

An Ordinance declaring Hydraulic from 63rd Street South to MacArthur, Central Avenue from Tyler to Socora, 21st Street North from 119th Street West to Maize Road, 21st Street North from Hillside to Oliver, Main Street from Douglas to Murdock, Central Avenue from Maize to Tyler, Douglas from Seneca to the Arkansas River, Harry from Oliver to Woodlawn, Topeka from Central to 17th Street North, Emporia from Central to 17th Street North, St. Francis from Central to 17th Street North (2000 Arterial Street Design Program), 472-83148, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- c. DR 99--7 - Amending Unified Zoning Code.

#### ORDINANCE NO. 44-427

An Ordinance amending the Unified Zoning Code, October 28, 1999, version, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## ORDINANCE

### KELLOGG/TYLER AND MAIZE. (District V)

Agenda Report No. 99-1174.

In October 1996, the City adopted Ordinance No. 43-310. That Ordinance provided limited funding of \$2,560,000 for the Kellogg/Tyler Interchange project. These funds have been used for preliminary design and opportunity right-of-way purchases.

In August 1999 the City Council adopted the 2000-2009 Capital Improvement Program (CIP). The Kellogg/Tyler & Maize Interchange is included in the CIP as project F-150003. Major right-of-way activities for the project will occur in 1999 and 2000. Construction is projected to begin in 2001.

An Ordinance has been prepared to authorize funding for the project.

The total estimated cost of the project is \$80 million. The funding source is Local Sales Tax.

Motion – carried

Rogers moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

#### ORDINANCE

An Ordinance declaring Kellogg (U.S. 54), from one-half mile west of Maize Road to Mid-Continent Road to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, repealing Ordinance No. 43-310 of the City of Wichita, Kansas, introduced and under the rules laid over.

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## PLANNING AGENDA

Motion -- Rogers moved that Planning Agenda Items, including Addendum Item 33 A, be approved as consensus  
--carried Items. Motion carried 6 to 0. (Knight absent)

**S/D 99-58**

### **S/D 99-58 - PLAT OF SEERY'S FIRST ADDITION LOCATED EAST OF GREENWICH ROAD, NORTH OF PAWNEE.** (District II)

Agenda Report No. 99-1175.

MAPC Recommendation: Approve the Plat.  
Staff Recommendation: Approve the Plat. (11-0)

This plat is zoned SF-20, single-family residential and is located in the county within three miles of the City's boundary. City water services are currently available. The Four-Mile Creek sanitary sewer system will be used.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

Motion -- carried Rogers moved that the Plat be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

**A 99-34**

### **A 99-34 - THE CITY OF WICHITA PROPOSES TO ANNEX PROPERTY GENERALLY LOCATED EAST OF HYDRAULIC AND NORTH AND SOUTH OF 59TH STREET SOUTH, TO THE CITY OF WICHITA, KANSAS.** (District III)

Agenda Report No. 99-1176.

This property is owned by the City of Wichita and is generally located north and south of 59th Street South and east of Hydraulic Avenue. The annexation of this property would strategically render surrounding properties eligible for annexation, which would allow the City to more efficiently annex eligible properties south of Wichita.

This property consists of two tracts of vacant land that contain approximately 41.32 acres (including portions of the levee). The Riverside Drainage District maintains the levee, which runs through these two tracts. The northern portion of the proposed site is also within the 100-year floodplain. The north and east boundaries of the site abut the City limits. The City purchased this site in order to provide a buffer between the South Sewer Plant #2 and surrounding development. The site is currently zoned "SF-20" Single Family Residential and will convert to "SF-6" Single Family Residential upon annexation. Land to the east of the site is zoned "SF-6" Single Family Residential, while land to the north includes a mix of "SF-20" Single Family Residential, "LI" Limited Industrial and "LC" Light Commercial. Land to the south and west of the site is zoned "SF-20" Single Family Residential. The existing land use to the south and west of the site is primarily residential, while the land use to the north is agricultural. The existing land use to the east consists of the South Sewer Plant #2 and the Big Arkansas River floodplain.

The northern portion of the area proposed for annexation has access to 57th Street South; a two-lane, local road built to county standard (asphalt with open ditches), which serves the area as the nearest east-west road. In addition, 57th Street South intersects with Hydraulic Avenue, an improved two-lane section line road, which serves the area as the nearest major north-south road. The southern portion of the site has access to Madison Street, a paved two-lane, north-south, local street that connects to 63rd Street South. Although there are no plans to improve 57th Street South or Madison Street in the City of Wichita 2000-2009 C.I.P., the Sedgwick County 1998-2003 C.I.P. indicates a future project (beyond 2003) to widen Hydraulic between 55th Street South and 63rd Street South.

The Wichita Fire Department can serve this site within an approximate eight (8) to nine (9) minute response time from City Station #19 located at 600 W. MacArthur. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

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Urban Growth Area & Policy 32: The property is located outside of the Policy 32 urban service area. It is outside of the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is currently vacant with no improvements and is owned by the City of Wichita. Therefore, the property is tax exempt.

Motion --  
-- carried

Rogers moved that the Public Hearing be closed; the annexation request be approved; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-34

A 99-35

**A 99-35 - THE CITY OF WICHITA PROPOSES TO ANNEX PROPERTY GENERALLY LOCATED ONE-FOURTH MILE WEST OF SENECA, BETWEEN 55TH STREET SOUTH AND 63RD STREET SOUTH, TO THE CITY OF WICHITA, KANSAS.** (District IV)

Agenda Report No. 99-1177.

This property is owned by the City of Wichita and is generally located ¼ mile west of Seneca, between 55th Street South and 63rd Street South. The annexation of this property would strategically render surrounding properties eligible for annexation, which would allow the City to more efficiently annex eligible properties south of Wichita.

This property consists of four contiguous tracts of vacant land that contain approximately 77.68 acres. The site was recently developed as a stormwater drainage canal to handle overflow from the South Lakes that are located to the north of the site. The site also contains a low-flow storm sewer. The canal feeds overflow into a pumping station located south of 63rd Street South, which distributes the water into the Big Ditch.

The northern boundary of the site abuts the City limits. The northern half of this site is currently zoned "SF-20" Single Family Residential, while the southern half is zoned "RR" Rural Residential. The zoning of the entire site will convert to "SF-6" Single Family Residential upon annexation. Land to the north of the site is zoned "SF-6" Single Family Residential, while land to the west includes a combination of "SF-20" Single Family Residential and "RR" Rural Residential. Land to the south is zoned "RR" Rural Residential, while land to the east of the site is zoned "SF-20" Single Family Residential. The existing land use to the north and east of the site is primarily residential, while the land use to the west and south is vacant or agricultural.

The northern portion of the area proposed for annexation has access to 55th Street South; a two-lane, improved section line road built to county standard (asphalt with open ditches), which serves the area as the nearest east-west road. There are no plans to improve 55th Street South in either the City or Sedgwick County Capital Improvement Programs.

The Wichita Fire Department can serve this site within an approximate seven (7) to eight (8) minute response time from City Station #19 located at 600 W. MacArthur. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

The northern half of the site is located within the Policy 32 urban service area, while the southern portion of the site is not. Similarly, the northern portion of the site is located within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan, while the southern half is located outside of the urban growth area.

The property proposed for annexation is currently vacant with no improvements and is owned by the City of Wichita. Therefore, the property is tax exempt.

Motion --  
-- carried

Rogers moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

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## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A99-35

Addendum Item 33A

**V-2196**

### **V-2196 – PUBLIC HEARING REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED NORTH OF ORME STREET – BETWEEN WICHITA AND WATER STREETS.** (District I)

Staff Recommendation: Approve vacation alley right-of-way  
MAPC Recommendation: Approve vacation of alley right-of-way. (unanimous)

The applicants are requesting to vacate the alley right-of-way primarily for the developing of parking lots for BG Products on Lots 2, 20 and 22 of Fechheimer's Addition and Lot 1 of Davis Moore 4th Addition and in association with an approved Conditional Use permit (CU-535).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The motion was subject to the City of Wichita retaining the alley as utility easement, and BG Products dedicating an additional 10 feet of utility easement along the west boundary of the southern portion of the vacated alley, to provide adequate access for any future maintenance of the city sewer line underneath the alley. Additional easement area already exists along the northern portion of this alley. No written protests have been filed.

After the MAPC meeting, BG Products expressed their concern with the condition that the additional 10 feet of property shall be dedicated as utility easement. Staff will be discussing this issue further with the applicant before the Council meeting.

Motion --  
-- carried

Rogers moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed from regular and reconvened as the Wichita Airport Authority at 10:30 a.m.

### **WICHITA AIRPORT AUTHORITY AGENDA**

**CESSNA BONDS**

### **RESOLUTION RELATING TO THE ISSUANCE OF NOT-TO-EXCEED \$12,700,000 OF TAXABLE AIRPORT SPECIAL FACILITIES REVENUE BONDS - CESSNA AIRCRAFT COMPANY.**

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 99-1178.

On March 1, 1998, the Wichita Airport Authority entered into a 30-year lease with Cessna Aircraft Company for use of 37.70 acres of ground on Wichita Mid-Continent Airport on which Cessna was to construct a new 112,000 sq. ft. Aircraft Completion Center. Further, a Resolution of Intent was issued by the Wichita Airport Authority on February 18, 1999, to issue up to \$40,000,000 in Airport Special Facility Revenue Bonds for Cessna's improvements on Airport properties which was affirmed in the First Supplemental and Amended Ground Lease dated May 1, 1998, for this specific facility. The construction of the aircraft completion center is complete and Cessna now seeks to permanently debt finance the facility.

Airport Special Facility Revenue Bond arrangements are similar to Industrial Revenue Bonds with two major differences: [1] title to the land and improvements remains always with the Wichita Airport Authority; and [2] the revenues of the facility are pledged to pay the bonds (the land and facility are not, in any way, used as collateral). The bond documents, including the facility lease, will be presented for consideration after the publication of the Resolution.

When the bonds are issued, the Wichita Airport Authority will be asked to execute a no-cost lease for the improvements for 30 years. The Cessna Aircraft Company will retire the entire debt and pay all expenses of issuance and administration. There is no financial obligation on the part of the City or Airport Authority. All Airport properties are ad valorem tax exempt by Kansas Statute. Leasing of the land and improvements subsequent

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to the termination of the 30-year lease period are subject to fair market value rentals. The interest paid to the bondholders will be subject to taxation.

The City Council acting as the Airport Authority is authorized and empowered to issue Airport Facilities Revenue Bonds for the construction and improvement of revenue producing facilities on the airports. This resolution is one of the statutory steps required before bonds may be issued.

Motion -- carried

Pisciotte moved that the Resolution be adopted and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. A 99-001

A Resolution finding and determining that the income from the project pledged for the payment of the bonds will be sufficient for such purpose, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## AIRPORT MINUTES

### MINUTES OF THE REGULAR MEETING OF THE WICHITA AIRPORT AUTHORITY.

The October 4, 1999, Wichita Airport Authority were presented.

Motion -- carried

Pisciotte moved that the Minutes be approved. Motion carried 6 to 0. (Knight absent)

## ADDENDUM ITEM 36 WICHITA AIRPORT

### WICHITA AIRPORT -- COUNCIL PROCEDURES.

Agenda Report No. 99-1183.

Under Charter Ordinance No. 177, the City Council becomes the governing body for and the members of the Wichita Airport Authority. The Authority continues as a separate legal entity and many actions need to continue to be made in the name of the Authority rather than the City. It is necessary to adopt certain policies and procedures for the conduct of the Airport Authority business.

Attached is the proposed policy covering the ministerial functions of the Authority. It contains Agenda/meetings, Rules of procedure, Minutes and Clerk responsibilities, execution and maintenance of documents, and Authority policies.

Motion -- carried

Cole moved that the policy and procedures be approved. Motion carried 6 to 0. (Knight absent)

The Wichita Airport Authority portion of the meeting adjourned and the City Council returned to regular session at 10:35 a.m.

## EXECUTIVE SESSION

Motion --

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and preliminary discussions relating to the acquisition of real property for public purposes and the regular meeting be resumed at 10:50 a.m. in the City Council Chambers. Motion carried 6 to 0. (Knight absent)

-- carried

## RECESS

The City Council recessed at 10:35 a.m. and reconvened at 10:55 a.m.

Vice Mayor Rogers

Vice Mayor Rogers announced that no action was necessary as a result of the executive session.



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## EXECUTIVE SESSION

Motion -- Rogers moved that the Council recess until 12:00 p.m. and then move into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to personnel matters of non-elected personnel and the regular meeting be resumed at 1:00 p.m.. Motion carried 6 to 0. (Knight absent)

-- carried

RECESS The City Council recessed at 10:57 a.m. and returned at 12:55 p.m.

Vice Mayor Rogers Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

## EXECUTIVE SESSION

Motion -- Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to personnel matters of non-elected personnel and the regular meeting be resumed at 1:30 p.m.. Motion carried 6 to 0. (Knight absent)

-- carried

RECESS The City Council recessed at 12:55 p.m. and returned at 1:40 p.m.

Vice Mayor Rogers Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

RECESS The City Council recessed at 1:40 p.m. and reconvened at 7:02 p.m.

Wichita, Kansas, November 16, 1999  
Tuesday, 7:02 p.m.

The City Council met in recessed session at the Law Enforcement Training Center, 2235 West 37th Street North, at 7:02 p.m. Vice-Mayor Rogers in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

## A99-30

**A99-30 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF PROPERTY DESCRIBED AS GENERALLY LOCATED NORTH AND SOUTH OF 37TH STREET NORTH, BETWEEN BROADWAY AND HILLSIDE, TO THE CITY OF WICHITA, KANSAS.** (Districts I and VI)

Scott Knebel

Planning Department reviewed the Item.

Agenda Report No. 99-1154.

On September 14, 1999, the City Council adopted a resolution that established November 16, 1999, at 7:00 p.m. at the Law Enforcement Training Center, 2235 W. 37th Street North, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located north and south of 37th Street North, between Broadway and Hillside Avenue.

The area proposed for annexation is the second phase of a two-phase annexation. The first phase was officially approved August 27, 1999, and brought 149 acres into the City. The subject area of this annexation contains approximately 230 acres, consists of 11 unplatted properties and includes portions of 37th Street and Old Lawrence Road. The land-use pattern consists of five (5) undeveloped tracts, three (3) industrial tracts, two (2) commercial tracts and one (1) residential tract. The majority of the area is zoned "LI" Limited Industrial and "GI" General Industrial with a few intersection corners zoned "LC" Limited Commercial. These properties will retain their existing zoning following annexation.

An informational meeting regarding the proposed annexation was held on October 5, 1999, at the Law Enforcement Training Center, 2235 W. 37th Street North. No citizens attended the meeting.

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In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area. Map No. 2 in the plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$1,815,960, with a resulting initial annual City Ad Valorem tax revenue of approximately \$13,817.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be shared by the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on September 30, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Plan by a unanimous vote (13-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Vice-Mayor Rogers

Vice-Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Cole moved that the Public Haring be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-30

## EXECUTIVE SESSION

Motion --  
-- carried

Rogers moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to confidential data relating to the financial affairs or trade secrets of a business, and the regular meeting be resumed at 7:15 p.m. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 7:05 p.m. and returned at 7:24 p.m.

Vice Mayor Rogers

Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 7:24 p.m.

Pat Burnett CMC  
City Clerk